

MINUTES
LEXINGTON COUNTY COUNCIL
February 25, 2003

Lexington County Council held its regular meeting on Tuesday, February 25, 2003, in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Jeffcoat gave the invocation; Mr. Derrick led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	John W. Carrigg, Jr.
	Bruce E. Rucker	William C. Billy Derrick
	Johnny W. Jeffcoat	Joseph W. Joe Owens
	M. Todd Cullum	

Absent: Jacob R. Wilkerson*

*Mr. Wilkerson was absent due to a commitment.

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks stated that nine employees were to be recognized for graduating from the third Supervisor Certification Program at Midlands Technical College - Debra Berry, Assessment Records Supervisor, Assessment/Equalization; Brian Currence, Lieutenant, Assistant Regional Commander, Sheriff's Department; Tom Emasie, Captain, Fire Service; P. C. Faglie, Sergeant, Sheriff's Department; Ron Farr, Safety and Training Coordinator, Personnel; Susan Herring, Assistant Court Administrator, Domestic Violence Court, Magistrate Court Services; Mark Mancuso, Branch Librarian, Lexington, Library; Brad Mathis, Deputy Treasurer, Treasurer; Michelle Mills, Shift Supervisor, Communications, Public Safety. He stated that the employees made a commitment of several months attending Midlands TEC to complete the course.

Also recognized were seven EMS Personnel who graduated from the Paramedic Class - Carl Brygger, Honor Roll; Jessica Ellis, Honor Roll, Perfect Attendance; John Greene, Honor Roll; Michael Hall, Honor Roll; Lee Hinton, Honor Roll; Valerie Hook, Honor Roll, Highest Class Average; Craig Johnson. Mr. Brooks stated that the class consisted of 17 emergency medical technicians from six emergency care providers; students completed approximately 1,048 hours of training in advanced cardiac life support, pharmacology, advance trauma care, and other aspects of emergency pre-hospital health care.

Presentation of Resolution/Dennis Lanier - Councilman Bruce E. Rucker - Mr. Rucker stated that the 321 corridor sometimes has some hazardous wrecks and Mr. Lanier's property was being used for landing helicopters. Mr. Lanier, on his own initiative, had a landing pad installed, lights, etc., at no cost to the county. Mr. Rucker stated that Council was most appreciative of what Mr. Lanier had done and presented him with a framed resolution for his contribution.

Mr. Brooks presented Rhonda Neeley, an employee of Mr. Lanier, a plaque for her coordination of the entire project and expressed appreciation to her on behalf of the County.

Appointments - Museum Commission - Mr. Cullum nominated Mrs. Carol Metts; seconded by Mr. Jeffcoat.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Rucker	Mr. Derrick
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Bids/Purchases/RFPs - A motion was made by Mr. Rucker and seconded by Mr. Jeffcoat that the following be approved:

Fire Service - Gaston Fire Station Renovations and Bay Addition - Four bids were received on the project which included equipment, materials and labor for the renovation of the existing two-bay garage, the complete construction of a steel frame, two-bay addition, grading and site preparation, new vinyl siding and replacement windows.

Staff recommended the award to MAR Construction Company, Inc., as being the low bidder for a total bid of \$78,977 which includes sales tax;

Fire Service - Breathing Air Compressors - Bids were solicited and advertised for two (2) 6000 PSIG Breathing Air Compressor for Fire Service along with optional pricing of storage cylinder. Four bids were received. Staff recommended the award to Emergency Apparatus, Inc., as providing the lowest bid for a total of \$43,741.58 which includes sales tax;

Pubic Works - FY 02-03 Resurfacing Program - Bids were solicited and advertised for 25 asphalt surfaced and one (1) concrete surfaced County roads. Project includes the resurfacing of approximately 31,910 L.F./6.04 miles of roadway. Project estimates - 7,155 tons of HLAC Type I, 100 tons of CR-14 Asphalt, 250 L.F. of 14 inch french drain pipe and 100 C.Y. of unclassified excavation. Three bids were received. Staff recommended the award be made to C. R. Jackson, Inc., as being the lowest bidder for a total of \$437,010.05 including sales tax;

Communications - Public Safety Answering Points (Cayce, Batesburg and West Columbia) - Sole Source Procurement through Emergency Services Integrators; Sate Contract

Purchase for Dell Computers - Communications Coordinator Neil Ellis requested the purchase and installation of equipment to allow all Lexington County Public Safety Answering Points to request Wireless Phase II from wireless telephone companies. The PSAPs in Cayce, Batesburg-

Leesville and West Columbia require mapping solutions to complete the project. The purchase has been deemed a Sole Source through Emergency Services Integrators since the company is the current vendor for the existing system. ESI, Inc. will provide all software and installation to ensure compatibility and consistency within the county. Dispatch workstations are comprised of Dell hardware which is available through State Contract.

Cost of dispatch workstations is \$23,240.70 including sales tax. Mapping software, radio software and installation is \$13,466.67 including sales tax. Cost of technical services for Segment I is \$12,555.00; Cost of service and support for year one (1) is \$3,463.00; total cost \$52,725.37.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Chairman's Report - Mr. Davis noted Mr. Wilkerson's absence due to a commitment he could not change.

Mr. Davis stated that he was proud to represent the County at the Technology Summit; spoke at Leadership Lexington; and many attended the Fire Service Awards banquet. Mr. Davis extended his congratulations to those who did such a great job organizing the banquet. Mr. Davis stated that he also welcomed the Governor at a Chamber of Commerce breakfast.

Mr. Davis apologized for missing the February 11 meeting, his mother passed away and he appreciated the kindnesses and condolences of everyone in the county.

Mr. Davis stated that Mr. Rucker is representing the County as a Board member of the Association of Counties. He asked that Mr. Rucker provide a brief report on proposed legislation.

Mr. Rucker stated that H.3538 deals with biennial registration which the state is going to ask counties to opt to take over. He stated that if the bill is passed, the Treasurer will have to issue vehicle registrations, etc. At first glance it does not sound like a bad idea, however, there is only a one dollar fee proposed in the bill to cover the costs. Mr. Rucker stated that the proposed bill is probably a bad idea unless counties were allowed to establish the fee.

Mr. Rucker reported that a proposal before the House Ways and Means Committee would dramatically impact the county. The proposal shifts state prisoners sentenced to one year or less to county detention centers. He stated that if the state provides no funding it is projected to cost the county \$4.5 million because at least two pods would have to be added to the detention center which would equate to nine (9) mills tax increase. Mr. Rucker indicated that the proposal includes funds, but does not say from where or how.

Mr. Jeffcoat stated that Mr. Rucker has written some good letters in reference to some of the bills and suggested that he also sign the letters as a member of the SCAC Board of Directors. Mr. Jeffcoat asked Mr. Rucker if he would feel comfortable having the Council Chairman also sign the letters; with both signatures, it may lend more substance and it would let those individuals receiving the letters to know that the entire Council is in support of what was written.

Mr. Rucker said he would be glad to add the Chairman's name.

Mr. Davis expressed his appreciation to Mr. Rucker for his attention to all the proposed bills.

Mr. Derrick stated that he had been very interested in the items Mr. Rucker mentioned but there was also a lot of other legislation coming down; that it seemed the state law makers are obviously feel the crunch from the budget crisis they are in and they pass it along to what he referred to as the bottom feeders which are the county councils, municipalities, and school boards. He stated that if you follow that very closely, they say they are not going to raise taxes, but at the same time raising fees and fines at every nook and turn they can find a place to tack it on and it's very frustrating to see how all this is being passed on to the folks at the bottom of the totem pole. If we aren't careful, we will see aid to subdivision cut, there has already been a cut this year, we've been notified that it will be cut again next year and all that impacts the counties. Mr. Derrick stated that the disturbing part is that counties get additional mandates from the state to do bigger and better things and it was really frustrating; we need to pass that along to our legislators that we are aware of what they are doing and we don't particularly appreciate it.

Mr. Jeffcoat interjected, and neither do the taxpayers.

Mr. Derrick echoed, neither do the taxpayers, because all of our constituents are the same constituents whether we take it out in property taxes or whether they take it out of income taxes or some other taxes, it's the same people paying the bills and for them to shift that burden from the themselves to the local folks is difficult to understand. He stated that another bill which came from the Agricultural Subcommittee that needed attention was a recommendation came out that local governments can not be more stringent than state government. Mr. Derrick stated that this came about because a person was approved to build a live poultry operation, the local government decided that it did not meet their land use plan, which the state mandated that counties adopt, and the citizen complained and now legislation is being considered so that local government can not supercede the requirements of the state and that takes away the local zoning rights and opportunities. Mr. Derrick commented that this was a "slippery slope" that could put the state in charge of all land use even though they required local entities to have a land use plan. Mr. Derrick encouraged Council members to follow the SCAC Friday Reports very closely. He added that Mr. Rucker has done a great job, but Council was going to have to stay in touch with the legislators so they will know how they feel.

Mr. Carrigg commented that Mr. Rucker raised the issue about the legislature changing the county jail stay, that it is 90 days now and a lot of times you will see sentences of 91 days and above to ship people off to the state system. He stated that anytime the state throws something back to the local governments, they're really just throwing it back on the property owners. That was the issue because the state's biggest source of funds is sales tax and income tax which is collected by a whole different scheme than property tax is collected; you really change who's paying for what and that was the biggest problem - any time the state sends something back to local government, the way local government is allowed to collect revenue differs so much from the state's way of collecting revenue and it shifts the burden unfairly to the property owner.

Mr. Owens stated that some individuals may stay in the detention center six, eight months before they even go to court so local governments were bearing that burden now; once an individual is sentenced to a year or less then the local governments get them right back so we get the burden coming and going and was totally unfair.

Mr. Rucker stated that the bill referred to by Mr. Derrick is out of subcommittee, was in the full Agriculture Committee, passed unanimously and has an excellent opportunity to get to the floor (H.3555).

Administrator's Report - Joe Mergo, Director, Solid Waste Management - Storm Report - Batesburg-Leesville Convenience Station - Mr. Mergo reported that the site has been completely cleared, the department took the responsibility of cleaning the properties around the area, the roadway has been cleaned. He stated that quotes were being taken to rebuild; it may take six to eight weeks to complete, but they were hoping to get it done in four. Mr. Mergo stated that it depended on the subcontractors. He stated that signs are in place directing citizens to the Summit site and/or Hollow Creek site.

Budget Amendment Resolutions - Supplemental Appropriation in the amount of \$1,419,659 to establish a capital projects fund and appropriate funds received from the Lexington Medical center to improve the quality of health care in the county;

Appropriation Transfer in the amount of \$0.00 to authorize the reassignment of EMS personnel from working 24/48 hour shifts to working 12 hour shifts and to increase the staffing from 105 to 114. No supplemental appropriation is required in this fiscal year to accomplish this change.

Appropriation Transfer in the amount of \$17,500 to transfer funds to the Central Carolina Economic Development Alliance to provide funding for the joint venture with Richland County and City of Columbia for an economic study of the region.

Appropriation transfer of \$27,300 to increase apparatus operators by three (3) and reduce one (1) fire fighter, one (1) chief, and part time scheduling hours; one (1) additional apparatus operator position created;

Booking of funds in the amount of \$11,590 for the Public Works contract with the South Carolina Department of Transportation to assist in snow removal; reimbursement for labor, meals, and use of county equipment.

Approval of Minutes - Meetings of January 14 and 28, 2003 - A motion was made by Mr.

Owens and seconded by Mr. Jeffcoat that the Minutes of January 14 and 28, 2003 be approved as submitted.

Mr. Davis opened the meeting for discussion. No discussion occurred.

In Favor:	Mr. Davis	Mr. Owens
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Carrigg
	Mr. Cullum	

Zoning Amendments - Zoning Map Amendment M03-01 - Jamestowne Court/Coghill - Announcement of 1st Reading - Mr. Davis announced first reading of Zoning Map Amendment M03-01.

Committee Reports - Public Works, B. Derrick, Chairman - FY 2004 Used Oil Grant - Solid Waste Management - Mr. Derrick reported that the committee met during the afternoon to consider a request from the Solid Waste Management Department to submit an application for the Used Oil Grant. No match is required and the county has applied for the grant for several years.

A motion was made by Mr. Derrick and seconded by Mr. Carrigg that the Solid Waste Management Department be authorized to submit the FY 2004 Used Oil Grant application.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Carrigg	Mr. Rucker
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Notice of Intent - NPDES Phase II - Mr. Derrick stated that the committee voted to recommend that Council approve the Notice of Intent/NPDES Phase II implementation. He stated that basically this will grant Mr. Fechtel the authority to work with the local municipalities on joint efforts to reduce costs. Mr. Derrick stated that the bulk of the material in the agenda package was the consolidated program, a rough draft, and asked Mr. Fechtel if he could say it that way that it did not have a great deal of bearing on the particular motion. Mr. Derrick added that the permitting portion did not have as much to do with the motion but rather the cooperation and coordination of the local municipalities.

Mr. Fechtel responded, that's correct. The motion pertains to the county and the municipalities that would like to work with the county on the program.

A motion was made by Mr. Derrick and seconded by Mr. Carrigg that the committee report be adopted to authorize Mr. Fechtel to work with the local municipalities.

Mr. Davis opened the meeting for discussion; none occurred.

In Favor:	Mr. Davis	Mr. Derrick
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Mr. Carrigg
Mr. Cullum
Mr. Owens

Mr. Jeffcoat
Mr. Rucker

Health and Human Services, J. Wilkerson, Chairman - Renovations - Lexington County Auxiliary Building - In the absence of Mr. Wilkerson, Mr. Jeffcoat, Vice Chairman, Health and Human Services Committee presented the report.

Mr. Jeffcoat stated that the Committee met on Tuesday, February 11 to consider a letter received from Bill Walker, Director, Lexington County DSS, about the relocation of DSS offices in the Lexington County Auxiliary Building. By renovating the Auxiliary Building, after several county departments are relocated in the current Courthouse, all DSS functions will be under one roof rather than scattered in five buildings. Mr. Jeffcoat added that he believed DSS was paying some \$81,000 in rent for office space.

Mr. Jeffcoat stated that the committee voted to recommend that Council proceed with authorizing staff to secure the services of an architect and to also get the cost of a second floor in the building.

A motion was made by Mr. Jeffcoat and seconded by Mr. Owens that the Committee report be adopted that staff proceed with securing the services of an architect.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Owens	Mr. Rucker
	Mr. Derrick	Mr. Carrigg
	Mr. Cullum	

Budget Amendment Resolution - Mr. Brooks present the BAR to transfer funds in the amount of \$10,000 to the Auxiliary Building Renovation Fund to provide for hiring an architect to perform a study of the usage of the building.

Old Business/New Business - Justice Committee, J. Carrigg, Chairman - ADR Position -

Mr. Carrigg stated that the committee discussed several funding issues, one being the funding of the Alternative Dispute Resolution program through the Clerk of Court's office. He stated that the program was originally funded by state grant, a state program instituted by Chief Justice Toal. Funds have dwindled to the point that six or seven months ago, there were no more state funds; there was a hope there would be additional state funding for the program and based upon that promise, Council agreed to go ahead and put everyone on notice that if there was no state funding the program would probably be terminated; Council agreed to fund the program. Mr. Carrigg stated that \$30,345 will be transferred from the General Fund to cover the arrearage the county is in for the program, however, Judge Westbrook was notified by Chief Justice Toal that no state funding would be forth coming for the program or to support any portion of the program. He stated that based upon that information, the committee voted to terminate the program effective March 16, 2003 and transfer the \$30,345 to cover the arrearage to date.

A motion was made by Mr. Carrigg and seconded by Mr. Rucker that the Committee Report be

adopted and the ADR program terminated effective March 16, 2003 and that \$30,345 be transferred from the General Fund to cover the arrearage.

Mr. Davis opened the meeting for discussion.

Mr. Rucker asked if this meant someone's job would be done away with?

Mr. Davis responded, yes, sir.

Mr. Rucker commented, because the state won't fund it.

Mr. Jeffcoat stated, that's correct.

Mr. Carrigg stated that when the committee met on the issue when the funding was cut the state indicated there was no money but may have money later. The county picked the program up in the hopes that the funds would be forthcoming; however, if funds do not come, be on notice that the program will not be continued. He stated that you can not continue every program the state starts if the state is going to abandon it and the state has abandoned the program, they have financially abandoned it and looked to the county to pick it up; if it doesn't mean enough to the state to pay for it, why should county taxpayers' money be spent on a program that the state and Chief Justice Toal doesn't want to spend state money on, it doesn't make sense to me.

Mr. Owens asked how long the individual had been a part of the Clerk's office.

Mr. Carrigg responded, two or three years.

Mr. Davis commented that the individual stated she had a job pending.

Mr. Jeffcoat stated that she said she had been offered a job and then she said she may just go on unemployment.

Mr. Cullum asked if it would be correct for him to assume that if this position is terminated now it will not be brought up during the new budget cycle; the program is done, over and will not be funded?

Mr. Carrigg stated that the motion is to terminate the funding of the program altogether; so the service will not be provided, nor would it be part of next year's budget.

Mr. Cullum asked Mr. Carrigg if he anticipated the Clerk's office again asking for this.

Mr. Carrigg responded, absolutely, I anticipate that he will ask for more money and more employees.

Mr. Cullum stated that he was trying to get a feeling of what the position was going to be today and what it was going to be June 30th.

Mr. Rucker stated that any agencies that have state funding will be asking the county for more money because the state is cutting services.

Mr. Cullum stated that what he was trying to say was he did not want to see the program cut and then turn right around and crank it back up in the budget cycle. He stated that he anticipated this not coming back again to be an issue; if it is deleted now, it is going to be deleted; if we quit now, we're done.

Mr. Carrigg stated quite frankly it was his understanding that there were still funded positions in the Clerk's office that may have been filled in the last week or so. Everyone knew this was coming up, so there may be an unfilled position that the Clerk can transfer the individual into; but he certainly should have had some anticipation that the funding for this particular program was going to end because he got the word like the rest of us that the State cut it, no more money.

Mr. Owens asked if she was a full time employee.

Mr. Davis responded yes.

Mr. Owens asked if there was anything available in other departments.

Mr. Jeffcoat responded that she has been offered another position.

Mr. Owens asked if it was with the county.

Mr. Jeffcoat replied, she did not say.

Mr. Carrigg stated that she did say that she had a job offer and she wanted to know what she needed to do about it.

Mr. Rucker called for the question.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Rucker	Mr. Derrick
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Budget Amendment Resolution - Supplemental Appropriation in the amount of \$30,345 because the State has not contributed any money to support the Alternative Dispute Resolution Program; position to be terminated March 16, 2003.

River Alliance - A motion was made by Mr. Rucker and seconded by Mr. Derrick to accept Mr. Carrigg's resignation from the River Alliance and that Mr. Owens and Mr. Cullum be appointed.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Liaison - Health Services District Board of Directors - Mr. Derrick asked if Council still has a liaison to the Board.

The Clerk responded yes.

Mr. Derrick asked who it was.

The Clerk stated that she would have to get the list; each Council member serves as liaison for six months.

Mr. Derrick asked who the liaison was now.

The Clerk responded that she did not know, that she would have to check.

Mr. Derrick stated that obviously no one on Council knows who it is.

Mr. Owens commented that since the Medical Center was in his district, if no one was serving, he would.

Mr. Davis stated that prior to everyone leaving, the list and terms would be given each Council member.

Executive Session/Legal Briefing - A motion was made by Mr. Carrigg and seconded by Mr. Owens that Council go into executive session to receive the legal briefing and discuss contractual matters.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Owens	Mr. Rucker
	Mr. Derrick	Mr. Jeffcoat
	Mr. Cullum	

Mr. Davis reconvened Council in open session.

Mr. Davis reported that while in executive session Council received the legal briefing and discussed a contractual matter. No motions were to be considered.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman